

# ***NEWS RELEASE***

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***OFFICE OF THE UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF CALIFORNIA  
San Diego, California***

***United States Attorney  
Carol C. Lam***

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***For Immediate Release***

**NEWS RELEASE SUMMARY** - September 30, 2004

United States Attorney Carol C. Lam announced today that three New Jersey residents pled guilty in federal district court in San Diego before United States District Judge Larry A. Burns to federal felony charges related to the sale of counterfeit sports and celebrity memorabilia. In pleading guilty, defendants acknowledged that they operated businesses under the names “Stan’s Sports Memorabilia,” and “Stan the Man Sports Memorabilia,” through which they sold counterfeit sports and celebrity memorabilia by mail order and by way of internet auctions. Stanley Fitzgerald pled guilty to conspiracy to commit mail fraud. His wife, Donna Fitzgerald, pled guilty to tax evasion, and his mother, Josephine Fitzgerald, pled guilty to assisting in the preparation of a false tax return.

In his plea, Stan Fitzgerald acknowledged that between November 1995 and October 1999, he, together with his wife and mother, sold counterfeit sports and celebrity memorabilia by mail order and over internet auctions, and sent the product to the customer through the mail or by private commercial interstate carrier. Stan Fitzgerald admitted that he offered his customers Certificates of Authenticity, falsely attesting that the celebrities’ signatures were original and genuine. Some of the Certificates of Authenticity falsely

represented that an independent third party had evaluated the signatures and found them to be genuine. Stan Fitzgerald stated that he would send unsigned items of memorabilia to individuals in the San Diego area, requesting that persons in San Diego obtain the autographs of deceased persons such as Joe DiMaggio on the items. Stan Fitzgerald further admitted that during the period from November 1995 - October 1999, the defendant sold counterfeit sports and celebrity memorabilia valued at more than \$2.5 million but less than \$7 million.

Josephine Fitzgerald, in pleading guilty to assisting in the preparation of a false tax return, admitted that she was the bookkeeper for the counterfeit memorabilia business who provided the figures used on the corporate income tax return for the tax year 1997. Josephine Fitzgerald acknowledged that she provided figures for the cost of goods sold which inflated the cost actually paid for such goods by the corporation in the amount of \$140,000, resulting in the underpayment of taxes for that year in the amount of \$37,850.

Donna Fitzgerald pled guilty to tax evasion, and admitted she failed to file a federal income tax return for the tax year 1999, knowing that she owed a substantial amount of income tax to the United States from the sale of the memorabilia. Donna Fitzgerald specifically admitted that she failed to declare \$100,000 in income from the sale of the counterfeit memorabilia, which had been diverted to an account that she helped establish under the nominee name of "Autograph Memorabilia, Inc.," in order to evade the assessment and payment of her federal income taxes, resulting in the underpayment of taxes in the amount of \$43,722.

All three Fitzgeralds agreed, in connection with their guilty pleas, to forfeit their homes and a vacation property to the United States, and to pay their outstanding corporate and personal tax liabilities. The three defendants further agreed to make restitution in the amount of \$19,326 to seven victims identified in their plea agreements.

Sentencing for the three Fitzgeralds is set for January 10, 2005, at 9:00 a.m. before the Honorable Thomas J. Whelan, United States District Judge.

Stanley Fitzgerald

Josephine Fitzgerald

Donna Fitzgerald

**SUMMARY OF CHARGES**

Stanley Fitzgerald

Conspiracy to Commit Mail Fraud, in violation of Title 18, United States Code,  
Sections 371 and 1341

Maximum Penalty: 5 years in custody and/or \$250,000 fine

Josephine Fitzgerald

Assisting in the Preparation of A False Tax Return, in violation of  
Title 26, United States Code, Section 7206

Maximum Penalty: 3 years in custody and/or \$100,000 fine

Donna Fitzgerald

Tax Evasion, in violation of Title 26, United States Code, Section 7201

Maximum Penalty: 5 years in custody and/or \$250,000 fine

**AGENCIES**

Federal Bureau of Investigation

Internal Revenue Service, Criminal Investigation Division